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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/077,611	02/15/2002	Anil Suri	103753-203 - NP	2874
24964	7590	08/30/2006	EXAMINER	
GOODWIN PROCTER L.L.P.			OYEBISI, OJO O	
599 LEXINGTON AVE.			ART UNIT	
NEW YORK, NY 10022			PAPER NUMBER	
			3628	

DATE MAILED: 08/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/077,611		SURI, ANIL	
	<b>Examiner</b>		<b>Art Unit</b>	
	OJO O. OYEBISI		3628	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05/16/05.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 September 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                    |                                                                             |
|----------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____                                                |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>03/17/03</u> .                                                            | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Specification***

1. The abstract of the disclosure is objected to because it includes legal phraseology (i.e., "comprising" and "said.") Correction is required. See MPEP § 608.01(b).

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Crooks et al (Crooks hereinafter, US PAT: 5,930,773).

Re claim 1. Crooks discloses a utility resource transaction and management method accessible by a plurality of users over a computer network comprising: defining a database in a host computer having a processor and an interface device (see fig.5 element 200), storing in said database information pertaining to a plurality of utility resources (see col.4 lines 29-40); providing at least one customer with access to said database information pertaining to a plurality of utility resources (see col.4 lines 19-24, also see col.5 lines 1-10, see col.9 lines 15-25); receiving into said host computer information pertaining to an exchange of said utility resources from at least one consumer (i.e., resource usage information is received into host computer....., see col.7 lines 10-30); calculating a plurality of exchange constraints based upon said

information pertaining to an exchange of said utility resources (i.e., tolerance parameters are preferably calculated through utilization of the billing information for each resource provider, see col.4 lines 65-67); establishing an exchange correspondence between said at least one consumer and said utility resource based upon at least one exchange constraint; and providing an computer accessible exchange report (see fig.11 element 122).

Re claims 2-5. Crooks further discloses the utility resource transaction and management method wherein said utility resource comprises electrical power, natural gas, water, and sewer services (see fig.16 B).

Re claims 6 and 7. Crooks further discloses the utility resource transaction and management method, wherein said computer network comprises a WAN (see col.5 line 55 – col.6 line 15).

Re claims 8-13. Crooks further discloses the utility resource transaction and management method of claim 1, wherein said receiving into said host computer information pertaining to an exchange of said utility resources comprises receiving information pertaining to a plurality of variables concerning said utility resources (i.e., resource usage information from resource provider 32 is received into host computer 22. The resource usage information pertains to consumption of at least one resource by the customer. The resource usage information can be introduced into system 20 in any suitable way. In one embodiment, such information from resource provider 32 is received electronically, via a suitable data link with host computer 20, using one or more of the Internet protocols mentioned above. Alternately, resource usage

information can be received in hard-copy form and entered into the host computer as by manual data entry. Other methods and systems can, of course, be utilized to permit such information to be received by host computer 20. In a preferred implementation, the resource usage information which is received into the host computer pertains to a plurality of different consumption variables of the resource by the consumer. For example, one such consumption variable can be a cost-related consumption variable associated with the cost of a particular resource consumed by a consumer. Another consumption variable is a quantity-related consumption variable which is related to a quantity of a particular resource consumed by a consumer, see col.7 lines10-50)

Re claim 14. Crooks further discloses the utility resource transaction and management method, wherein said providing a computer accessible exchange report comprises providing said computer-viewable data through a GUI (i.e., click the display button, fig.11, also see col.13 lines 10-65)

Re claims 15 and 16. Crooks further discloses the utility resource transaction and management method, wherein said GUI comprises a plurality of variable user defined display reports (see fig.11 and fig.12, also see col.11 lines 45-65).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OJO O. OYEBISI whose telephone number is (571) 272-8298. The examiner can normally be reached on 8:30A.M-5:30P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, HYUNG S. SOUGH can be reached on (571)272-6799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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